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LETTER DATED 15 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the latest developments with regard to Iraq's failure to comply with Security Council resolution 687 (1991) and the other relevant resolutions since the Council's last review of the sanctions regime against Iraq on 21 July 1993. This conduct constitutes a flagrant breach of the commitment it entered into on accepting that resolution and persistent defiance of the will of the international community. Iraq's approach to the implementation of its obligations under relevant Security Council resolutions has remained basically unchanged, in spite of its claim to be implementing them, without fully shouldering its basic responsibilities in respect of the letter and spirit of those resolutions. The following account of some Iraqi practices is a testimony to its failure to comply with the resolutions of the international community.

A. Iraqi citizens and their property in Kuwait

Kuwait is committed to compensating Iraqi farmers/landlords for their property on the Kuwaiti side of the border. This is documented in a letter dated 2 December 1992 from H.E. Sheikh Sabah Al Ahmad Al Jaber Al Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait, addressed to the Secretary-General. To this end, and in consultation with the Secretary-General, an impartial Swedish land survey expert is currently engaged in carrying out the task of assessing the value of the property and the number of Iraqi nationals located on the Kuwaiti side of the border. So far the Iraqi regime has encouraged the Iraqi farmers/landlords to reject the principle of compensation and relocation, in apparent defiance of the newly demarcated boundary between Kuwait and Iraq. In a letter dated 1 March 1993, the Permanent Representative of Iraq rejected the principle of relocation and compensation, stating that the "Iraqi authorities shall take no action that might tend to recognize the injustice deliberately inflicted on Iraq". He added that "the United Nations must assume legal and moral responsibility for the iniquitous decision it has taken and for the consequences to which it gives rise in terms of the expropriation from Iraqi citizens of land that belongs to their forefathers". Furthermore, the Iraqi authorities had informed the United Nations that Iraq would not cooperate with the assessment by the Swedish expert because that would be tantamount to accepting the demarcated boundary.

Iraq's refusal to cooperate with the Swedish expert and its continued unwillingness to assist in the relocation of Iraqi farmers/landlords whose properties are located on the Kuwaiti side of the border, is a clear indication of Iraq's persistent pursuit of a policy of defiance of Security Council resolution 833 (1993) adopted under Chapter VII of the Charter of the United Nations, in which the Council welcomed the demarcation of the land and offshore boundaries between Kuwait and Iraq and demanded that Iraq and Kuwait respect the inviolability of the international boundary between the two countries.

B. Kuwait's security trench

On 12 May 1993, Kuwait informed the Secretary-General that it had decided to take action to prevent infiltration of Iraqi agents, smugglers and saboteurs into Kuwaiti territory, such as those who plotted the assassination attempt of former President George Bush. In an effort to prevent such infiltration, Kuwait proceeded to construct a security trench in Kuwaiti territory at a distance of 70 metres from the internationally demarcated border.

In coordination with the United Nations Iraq-Kuwait Observation Mission (UNIKOM), on 9 June 1993, Kuwait started the construction of the trench from the Ojeh triangle in the south-west of Kuwait, proceeding northward. UNIKOM has been reporting periodically on the project.

So far the project has been progressing in a satisfactory manner through areas without farms, oil wells or population. However, the endeavour was not without incidents. On 17 August 1993, and again on 25 August 1993, Iraqi infiltrators crossed the international boundary into Kuwait from Iraq in an effort to seize some equipment used in the project. On both occasions, Kuwaiti border patrols exchanged fire with the infiltrators, who fled back to Iraq.

Taking into account Iraq's persistent refusal to recognize the newly demarcated international boundary between Kuwait and Iraq and its persistent disregard of the boundary and the definitive nature of the decisions of the United Nations Iraq-Kuwait Boundary Demarcation Commission, Kuwait foresees that Iraq will not accept the trench being dug in populated areas in the central part of the boundary. Kuwait strongly believes that Iraq will prevent the trench from being completed in that area by whatever means.

Kuwait calls upon the Security Council to be vigilant in monitoring Iraqi actions in the next few months so that Kuwait can exercise its sovereign right in constructing this security trench.

C. The continued Iraqi assertions that Kuwait is part of Iraq

The continued Iraqi assertions that Kuwait is part of Iraq is a clear indication of Iraq's indifference to complying with the resolutions of the Security Council. Furthermore, such claims are unequivocal proof of Iraq's unwillingness to recognize the State of Kuwait, which constitutes a threat to the stability and security of both Kuwait and the region.

Given Iraq's indifference to the resolutions of the Security Council, it must be called upon to desist from such claims each time the sanctions regime is reviewed, since they constitute unequivocal defiance of the essence of these resolutions, under which is required to respect the independence, sovereignty and territorial integrity of Kuwait.

We wish to review some of the Iraqi claims that have come to light since the last review, for your benefit and for the benefit of the members of the Security Council:

1. On 31 July 1993, an article entitled "Kuwait will remain the beloved offspring of Iraq" appeared in the newspaper Al-Iraq Al-Iraqia, in which the writer, recalling the Iraqi invasion of Kuwait on 2 August 1990, wrote: "upon the orders of our great leader Saddam Hussein, the critical moment has arrived to overthrow the tyrant of Kuwait and his decaying regime ... and to get back our land that was stolen from our Iraq by force and under the order of treachery and imperialism". The writer further stated: "It is a joyous moment ... that will remain with us for as long as we live ... no matter how much pressure our enemies would exert on our great Iraq by their different aggressive military means, Iraq will not relinquish its legitimate right in retaining Kuwait".

2. On 31 July 1993, an article entitled "2 August 1990 is the great Al Nida Day ... the start of the great awakening" appeared in the newspaper Al-Iraq Al-Iraqia, in which the writer stated "on 2 August 1990 the Iraqis succeeded in correcting a grave historical mistake ... when they turned back to its correct path, by returning Kuwait to its mother country ... Kuwait, historically and in reality is an integral part of Iraq". He added: "The 2 August 1990 was a revolution by all means to correct a historical mistake which was the responsibility of Great Britain, American imperialism and International zionism".

3. On 5 August 1993, an article entitled "Kuwait ... our heart and lungs" appeared in the newspaper Al-Jamhuria, in which the writer described Saddam Hussein's decision to declare Kuwait a province of Iraq as a historical decision that cannot be changed or annulled by force. The writer further stated that "when this land was transformed - Kuwait into a base aimed towards the destruction of Iraq and its people ... our leader, Saddam Hussein, took the decision to return the branch to the whole ... the decision of 2 August 1990 will remain a sacred decision because it returned the land that our hearts yearned for".

4. On 26 August 1993, all the Iraqi newspapers referred to a statement given by a high-level Iraqi official in which he officially threatened Kuwait when it decided to extend humanitarian assistance to the Kurds in the northern part of Iraq. The high-level official stated that "Iraq considers this decision ... a serious threat to the sovereignty and security of Iraq ... and Iraq will reserve its right to take appropriate action towards this aggressive act in due time".

D. Kuwaiti and third-country nationals, prisoners and missing persons

With regard to this humanitarian question, although two years have passed since the adoption of Security Council resolution 687 (1991) and in spite of Iraq's official acceptance of that resolution, no progress has been achieved, as testified by the following:

1. Iraq's continued refusal to attend the meetings of the Tripartite Committee (comprising coalition members, Iraq and the International Committee of the Red Cross (ICRC)) dealing with the issue of prisoners, detainees and missing persons. Iraq did not attend the last meeting of the Committee called by ICRC in Geneva on 29 July 1993.

2. Iraq has not yet discharged its obligations under paragraph 30 of resolution 687 (1991), by which it is required to extend all necessary cooperation to ICRC by providing lists of prisoners and detainees, facilitating the access of the Committee to places where they are located or detained, and facilitating the Committee's search for them.

3. Iraq has not yet replied to the official request by ICRC for information concerning the files of 627 individuals. Although six months have passed since the files were handed over to Iraq, it is clearly reneging on its previous undertaking to reply regarding any file within 10 days of receiving it.

4. Outside the context of the Security Council's mechanism for dealing with this matter, Iraq has prevented the Secretary-General's Envoy to the League of Arab States, Mr. Rashid Idris, from carrying out his mission to visit Iraq and use his good offices as a mediator for the release of the prisoners and detainees. It has also thwarted efforts by the Moroccan monarch, His Majesty King Hassan II, and his gracious mediation aimed at securing the release of Kuwaiti prisoners and detainees.

E. Return of property seized from the public and private sectors

Despite Iraq's superficial cooperation in this matter, it should be borne in mind that, what Iraq returns in fulfilment of its obligation under resolutions 686 (1991) and 687 (1991) represents an incomplete implementation of those resolutions, for the following reasons:

1. Most of the equipment handed over by Iraq has been intentionally wrecked or destroyed, sometimes a few hours before the hand-over, which renders it worthless and of no further use.

2. Iraqi authorities still insist that they are not responsible for the return of property estimated at hundreds of millions of dollars stolen from the private sector, some of which was burned and other items moved to Iraq, as documented by inventories published by Iraqi ministries, signed and sealed by special government bodies that came to Kuwait to supervise the seizure and transport operations. Kuwait is in possession of a number of such documents left behind by the Iraqi regime after the liberation of Kuwait.

3. Iraq is not fulfilling its obligations with regard to the list agreed on with the United Nations Coordinator for the hand-over of stolen property inasmuch as it often postpones and delays the hand-over operations, which entails additional financial costs and administrative measures for Kuwait.

F. The Compensation Fund

Iraq has not fulfilled its obligation with regard to compensation under section E of resolution 687 (1991), and it refuses to disclose its gold and hard currency assets. It persists in refusing to implement resolutions 706 (1991) and 712 (1991), a violation that affects both Iraqis and non-Iraqis. The humanitarian dimension of this question cannot be ignored.

G. Weapons of mass destruction

Iraq's cooperation with the Special Commission and the International Atomic Energy Agency (IAEA) has not been complete. In spite of its claim to be providing information on the programme for the development of chemical and biological weapons and cooperating with the inspection teams, Iraq systematically restricts the freedom of movement of the United Nations Special Commission and has on several occasions threatened individuals serving on the Commission, in a spirit of defiance and contrary to what has been promised to the Special Commission. Iraq has not yet permitted the operation of cameras in weapons development sites.

The issues raised above are clear indicators of Iraq's persistent pursuit of a policy of defiance of Security Council resolutions. Since the objective of these resolutions is to secure full respect for Kuwait's independence, sovereignty and territorial integrity, the international community must take appropriate action to secure Iraq's compliance, in letter and spirit, with all relevant Security Council resolutions. The Council needs to address not only the consequences of the invasion and occupation of Kuwait but also the Iraqi motives for the invasion. In other words, the Security Council should focus on the continued assertion that Kuwait is part of Iraq. Otherwise Iraqi intentions will continue to pose a threat to security and peace in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative